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DEC 13 2004

Atty Docket No. 020144-001961US

PTO FAX NO.: 703-872-9306

ATTENTION: Examining Attorney

**OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
THE EXAMINING ATTORNEY**

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following documents in re Application of Peter Wagner, filed December 2, 2004 for ARRAY DEVICES AND METHODS OF USE THEREOF are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. TRANSMITTAL FORM
2. FEE TRANSMITTAL
3. NOTIFICATION OF ERROR IN SMALL ENTITY STATUS AND PAYMENT OF DEFICIENCY OWED UNDER 37 CFR § 1.28 (c)
4. CORRECTED ADS

Number of pages being transmitted, including this page: 9

Dated:


Julie Freiburger

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TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 858-350-6100
Fax:

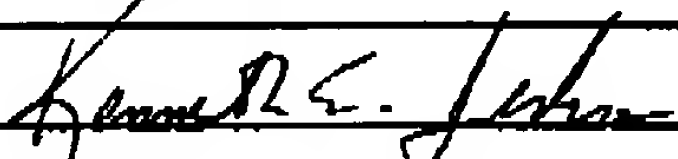
60376757 v1


DEC 13 2004

PTO/SB/21 (08-04)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number		
	Filing Date	December 2, 2004	
	First Named Inventor	Wagner, Peter	
	Art Unit		
	Examiner Name		
Total Number of Pages In This Submission	9	Attorney Docket Number	020144-001961US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - NOTIFICATION OF ERROR IN SMALL ENTITY STATUS AND PAYMENT OF DEFICIENCY OWED UNDER 37 CFR § 1.28 (c) - CORRECTED ADS
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Kenneth E. Jenkins, Ph.D.		
Date	December 13, 2004	Reg. No.	51,846

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-9306 on December 13, 2004.			
Signature			
Typed or printed name	Julie Freiburger	Date	December 13, 2004

60376691 v1

PTO/SB/17 (10-04)

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
605

Complete If Known

Application Number	
Filing Date	December 2, 2004
First Named Inventor	Wagner, Peter
Examiner Name	
Art Unit	
Attorney Docket No.	020144-001961US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Deficient Filing Fee Payment (Non-Small Entity)

605

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)806

SUBMITTED BY

Name (Print/Type)		Registration No. (Attorney/Agent)		Telephone	
Kenneth E. Jenkins, Ph.D.		51,846		858-350-8100	
Signature		Date		December 13, 2004	

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60376772 v1

PTO/SB/17 (10-04)

**FEE TRANSMITTAL
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 605**Complete if Known**

Application Number	
Filing Date	December 2, 2004
First Named Inventor	Wagner, Peter
Examiner Name	
Art Unit	
Attorney Docket No.	020144-001961US

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
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1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

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	** =					
Independent Claims						
Multiple Dependent						

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
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SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
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Other fee (specify) Deficient Filing Fee Payment (Non-Small Entity)

605

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)**

(\$)605

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)

Kenneth E. Jenkins,
Ph.D.

Registration No. (Attorney/Agent)

51,846

Telephone

858-350-6100

Signature

Date

December 13, 2004

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For Fee Processing**

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DEC 13 2004

PATENT

Docket No.: 020144-001961US

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Fax No. 1-703-872-9306 on 12/13/04.

TOWNSEND and TOWNSEND and CREW LLP

By: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WAGNER, Peter

Filed: December 2, 2004

For: ARRAY DEVICES AND
METHODS OF USE THEREOF

NOTIFICATION OF ERROR IN SMALL
ENTITY STATUS AND PAYMENT OF
DEFICIENCY OWED UNDER 37 CFR §
1.28 (c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application filed on December 13, 2004 originally claimed small entity status in good faith. However, it has recently been discovered that such status as a small entity was established in error due to inadvertence and without deceptive intent. The following submission and itemization hereby meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicant respectfully requests the total deficiency payment be processed as set out below and that the error be excused.

PATENT

In the Application of Peter Wagner
Filing Date: December 2, 2004
Page 2

ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED

DATE FILED	TYPE OF FEE	SMALL FEE ACTUALLY PAID	(CURRENT) LARGE FEE APPLIED	DEFICIENCY PAYMENT OWED
12/	Basic filing fee	\$395.00	\$1000.00	\$605.00

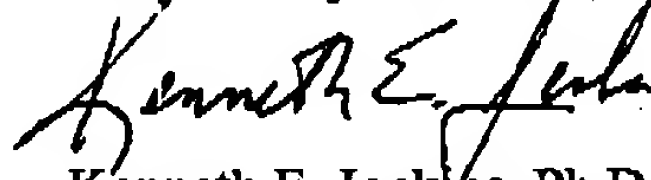
TOTAL DEFICIENCY OWED: \$605.00

Applicants hereby authorize the Commissioner to deduct the total fees of \$605.00 from the undersigned's Deposit Account No. 20-1430. Please see attached fee transmittal.

Applicant understands that under 37 CFR §1.27(g)(2) and §1.28(d) this submission is treated as a notification of loss of small entity status.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6157.

Respectfully submitted,


Kenneth E. Jenkins, Ph.D.
Reg. No. 51,846

TOWNSEND and TOWNSEND and CREW LLP
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